# Advertising and its Discontents

**\$\text{ubvertisers}\$**International

## **Subvertisers Onternational**

The Subvertisers' International is a network of individuals and organisations taking action to reduce the harm caused by advertising in our lives. Founded in 2017, we are local and national groups of activists, artists, NGOs, not-for-profits, teachers, parents, scientists and doctors.

This report is available to download at www.subvertisers-international.net

#### First published June 2022

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Report produced in partnership with Communication and Democracy (France) and New Weather Institute (United Kingdom)

Editor: Adfree Cities (United Kingdom)

**Printing:** Papier Vert (Villeurbanne, Lyon), June 2022 Printed on 100% recycled paper with vegetal ink

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#### Introduction

This report provides a comprehensive account of the main social, ecological and economic issues resulting from corporate advertising and larger communication activities. It also offers solutions for people, as citizens or decision makers, to move our societies away from mass consumerism.

Advertising and marketing are key drivers of overconsumption which is tipping our societies further into debt-fuelled consumerism and climate breakdown. The industry of mass communication is a central tool to the success of sectors that are most harmful to people and the planet - such as SUV (Sports Utility Vehicle) manufacturers, fossil fuels, airlines and fast food brands. Advertising professionals have long argued that their industry does not influence consumers' purchasing decisions. We now know that companies' promotional activities are not only a competitive tool but are indeed able to drive up consumer demand, including through pushing for marketing obsolescence of products such as smartphones or clothes. Moreover, many corporate brands heavily rely on corporate communications with the aim of whitewashing or greenwashing their image, thus hiding from consumers and policy makers the real consequences of their business models and their activities on the ground. In this context, the further intrusion of advertising into both the public and private sphere, poses serious concerns with regards to data privacy and personal freedoms.

This report illustrates the impacts of advertising in our modern societies. But it also showcases a series of practical solutions to reduce its overarching power. Members of *The Subvertisers' international* are diverse in their identities and strategies of action - but they are united in the belief that something must be done to change the status quo. The solutions identified in this report are varied and should be considered in the debate to resist against and regulate companies' advertising and communication activities.

Policy recommendations include, for instance, an advertising ban on specific harmful products - in particular climate-wrecking SUVs, flights and fossil fuels - and increased taxes on other advertising activities. Both these approaches will need to be complimented with ambitious policies to foster an independent press and media. Strategies of popular resistance against advertising in public space, via 'subvertising' actions, also feature as a key tool to empower citizens to speak back to advertisers and foster public debate about the role of advertising in our societies.

We hope this report can provide a solid basis for citizens, activist movements and policy makers around the world to engage with the political agenda of advertising regulation; and to join *The Subvertisers International* network to implement lasting change.

### The market for commercial communication is dominated by a handful of large, unethical companies

Every year, the world's largest companies spend several billion dollars on advertising and promotional marketing.<sup>1</sup> The 25 biggest advertisers in 2018 alone dedicated nearly \$150 billion dollars on inciting citizens to buy their products.

Among them are five car manufacturers, spending more than \$22 billion dollars on advertising and junk food giants Coca-cola and McDonalds. In the top ten are the leaders in personal care products, L'Oréal and French luxury goods multinational LVMH (Louis Vuitton Moët Hennessy), spending around \$15 billion in 2017 between them. As in previous years LVMH spent a third of its turnover on communications, a figure ten times greater than its Research & Development budget.

The list of the world's top 25 advertisers also includes leaders in sports equipment such as Nike and Adidas, known for their aggressive cost reduction strategies, especially with regard to workers in countries where average pay is below the living wage, while being the top sponsors of major European football clubs.

In 2018, the 100 largest advertisers on the planet, having invested nearly \$300 billion to market their products, controlled more than a fifth of the global marketing communications market.

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<sup>&</sup>lt;sup>1</sup> Limits between these two categories are not always clear, but generally speaking, advertising refers to purchase of media and outdoor spaces while promotional marketing includes direct marketing (leaflet, cold calling), point-of-sale advertising and promotion ("buy-one-get-two").

## 1. The role of advertising in mass overconsumption

The fact that advertising increases the sales volume of a company does not tell us anything about the wider economic effects of advertising campaigns on society. However, the established macroeconomic role played by advertising in driving overconsumption raises major concerns for the safeguarding of our environment.

#### 1.1. Advertising and over-consumption

The classical economic theory of advertising finds its origin at the end of the 19th century. Back then companies began publishing messages praising their products in the mass media of the time— mainly newspapers and then via radio. Over the course of the 20th century, these messages were seen on television and in the public space. Mainstream (neoclassical) economists have positioned advertising as a simple 'informative' tool for providing information on products, whose only role is to facilitate consumer choice between one brand or another (a 'competitive function'). In doing so, it allows companies to make their innovations known to the public in order to gain a better foothold on the market.

This neoclassical approach is based on the idea that advertising's function is strictly informative. Its purpose is to help consumers make a purchase by informing them on the features of different brands selling a similar product. According to this approach, individuals remain sovereign in their consumption choices, and companies have no other option than to adapt their offer to consumer demand. Consumers are ultimately the ones influencing the economy through their own choices. In other words, the role of public authorities is considered minimal in the context of informational and competitive advertising.

However, both the content and volume of advertisements greatly evolved towards the end of the last century, thus producing new and decisive arguments for a critical theory of advertising. Persuasive strategies of traditional advertising, through technical arguments, gave way to far less explicit strategies of influence.

Some advertising campaigns are no longer even dedicated to selling products but merely focus on improving the company's brand image (so-called 'corporate' advertising).

Around the 2000s, new brain imaging techniques showed that advertising does indeed have an impact on cognitive biases. According to this research, advertising exerts an unconscious influence on our purchasing behaviour and is a tool likely to short-circuit people's critical judgement. It therefore goes beyond the simple act of informing the consumer. Economists timidly use the term 'persuasive advertising', despite the fact that it is an actual strategy of influence. In any case, more than just helping individuals who want to choose between brands when buying a product, advertising can directly generate a desire for certain types of products, and influence the behavioural attitudes leading to their purchase. Aside from the philosophical and moral questions this raises about the 'free will' of citizens, the macroeconomic and political consequences must be taken into consideration.

If advertising is capable of directly influencing the aspirations of individuals through its persuasive nature, giving rise to a desire to buy and the creation of new needs, its consequences should also be observed at a wider economic level. Indeed, this implies that in a given economic sector, chocolate bars for instance, advertising campaigns not only enables competitors to acquire consumers from each other (i.e. fight for shares of a constant-sized market) but also benefit all brands altogether by gaining new consumers of chocolate bars (increasing the overall size of the market). In fact, the persuasive nature of advertising enables competitors to be working together, through the cooperative function of their advertising campaigns, resulting in increased mass consumption that would not have occurred without the stimulation from advertising campaigns.

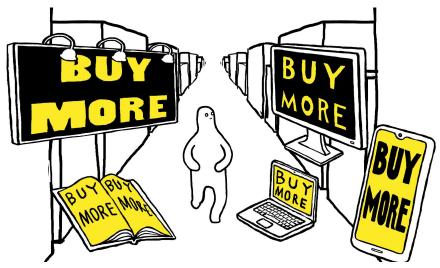


Image: Webster & Murray, Brain Pollution animation, Badvertising, 2021

Recent studies on the effects of advertising in sensitive economic sectors such as drugs, alcohol or junk food confirm that the cumulative advertising expenditure of various competitor brands increases the total volume of consumption in these markets.<sup>2</sup> A recent study also demonstrated that the increase in consumption is also observed at the macroeconomic level, in all sectors combined, at a national level.<sup>3</sup> Therefore, through commercial communication, brands are capable of encouraging people to want what they produce on a massive scale, with potentially serious ecological consequences.

The legitimacy of sectors that invest heavily and permanently in advertising campaigns regardless of their environmental and social consequences should be called into question. Clinging to the principle of consumer democracy or consumer sovereignty at the expense of tackling the harmful impacts of corporate advertising is no longer credible. In this context, regulatory authorities have an essential role to play for the economy to work in favour of consumers and the environment..

### 1.2. How advertising contributes to the industrialisation of obsolescence

To understand the mechanisms behind over-consumption requires a critical analysis of its drivers. Consumer societies of the Global North must not shy away from the political debate asking which of our ever changing 'needs' are legitimate and ecologically sustainable?

People's needs in rich countries have evolved with industrial and commercial strategies. The share of new consumers available on existing markets becomes progressively smaller due to a major trend towards market saturation. The stimulation of demand is therefore increasingly based on strategies of accelerated renewal of product consumption: strategies of so-called 'obsolescence'.

By definition, no product can last forever. The notion of obsolescence refers to the intentional reduction of a product's lifespan organised on an industrial scale.

<sup>3</sup> For example, an increase in about 7% in household consumption from 1976 to 2006 was noted on the American market. Benedetto Molinari and Francesco Turino, 2018, Advertising and Aggregate Consumption: A Bayesian DSGE Assessment, *Economic journal*, vol. 128, issue 613, 2106-2130. Available at: <a href="EconPapers: Advertising and Aggregate Consumption: A Bayesian DSGE Assessment">EconPapers: Advertising and Aggregate Consumption: A Bayesian DSGE Assessment</a>

<sup>&</sup>lt;sup>2</sup> Several studies identify a causal relationship in a given sector between aggregate advertising spend and aggregate demand; such as for the alcohol sector (Peterson and Rojas, 2008) or the pharmaceutical sector (Shapiro, 2018). Other studies point at how a reduction in global consumption correlates with a ban on advertising for a specific product: such as for the fast food sector (Dubois et al., 2008) and tobacco (Chaloupka and Saffer, 2000; Bleacher, 2008).

This phenomenon is becoming apparent in its technical and material dimensions; for example the planned obsolescence of the printer that jams prematurely, the coffee machine for which spare parts are no longer available, or the computer which, very quickly, becomes no longer powerful enough.

But as the Öko-Institut in Berlin points out following an in-depth study in 2015, "[t]oday, more electrical and electronic devices are being replaced even if they are still functioning." Obsolescence may indeed be less about the result of a product's programmed failure than that of marketing-stimulated obsolescence influencing the consumer. This phenomenon is the primary reason for buying a new mobile phone today. 5



Image: a repair cafe in Switzerland working against product obsolescence

Advertising strategies together with planned product obsolescence and marketing promotions all contribute towards the rapid renewal of products on a global scale.

Marketing obsolescence is at the heart of the industrial model of fast fashion, which, for example, sold over 39 items of clothing per capita on the French market in 2017. While the clothing sector's obsolescence strategy is driven above all by changes in aesthetic trends, that of the household appliance sector relies more on product offers including (minor) technological changes.

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<sup>&</sup>lt;sup>4</sup> Oeko-Institute, « Reality check : obsolescence », communiqué de presse du 2 mars 2015. Available at: <u>Reality check: obsolescence</u>

<sup>&</sup>lt;sup>5</sup> This phenomenon about smartphones has been proven in a country like France where the french public agency for ecological transition found in 2017 that 88% of smartphones were replaced before becoming dysfunctional. It is likely that this phenomenon is taking place in most rich countries in the world. ADEME, *Des tiroirs pleins de téléphones remplacés : consommateurs et objets à obsolescence perçue*, rapport du projet de recherche « COOP Consommateurs et objet à obsolescence programmée», 2017. Available at: <u>Tiroirs pleins de téléphones remplacés : consommateurs et objets à obsolescence perçue - La librairie ADEME</u>

In markets as saturated as the smartphone and car industries, the technological, aesthetic and commercial aspects are equally stimulated through advertising.

### Restricting advertising: all the more crucial for harmful products?

In many countries, the automotive sector competes with the retail sector each year for the position of leading advertising investor. Several billion dollars that, for at least a decade, have been spent especially on promoting so-called 'SUV' models (Sports Utility Vehicles). These cars, which are bigger and heavier than regular cars, have been the second largest source of the rise in global CO2 emissions over the past decade.<sup>6</sup>

Internationally in 2018, in the top 14 countries representing both three quarters of global car sales and three quarters of the global advertising market, the automotive industry spent over \$35 billion dollars.<sup>7</sup>



Image: a spoof BMW advert installed in Bristol, UK, 2020

The fast food sector in particular is characterised by an impulsive mode of consumption, which is strongly motivated by advertising pressures. With a yearly spend of around €2 billion, McDonalds is a giant in the advertising world. However, the problems created by the fast food sector go beyond public health, as shown by the 2.8 tons of waste generated every minute worldwide by McDonalds and its disposable packaging.<sup>8</sup>

<sup>&</sup>lt;sup>6</sup> Association Négawatt, 2019. Projet de loi de finances 2020 ; Comment renforcer l'efficacité du dispositif bonus-malus sur l'achat des véhicules, Note d'analyse, juillet 2019, p.3-4

<sup>&</sup>lt;sup>7</sup> Automotive Adspend Forecast, 2019. Zenith Media Global Intelligence report. Available at: Global Intelligence

<sup>&</sup>lt;sup>8</sup> Zero Waste France, 2017, *Mc Donald's*, a waste policy against the grain of the circular economy, p.8. Available at: <u>une politique déchets à contre-courant de l'économie circulaire</u>

# 2. Advertising, corporate social responsibility and reputation laundering

Advertising and communication are not only used to encourage purchases, but also allow companies to 'whitewash' their products and brand image. Advertising campaigns contribute to global corporate strategies aimed at influencing decision-makers and the public opinion in general.

### 2.1. Corporate Social Responsibility: a tool to 'whitewash' the image of companies

In 1992, the Rio Earth Summit cemented the notion of 'Sustainable Development', which was conceived in the 1987 report *Our Common Future* as a tool to safeguard people and the environment, for present and future generations, over business. But this notion was to be increasingly misused and, from the 2000s onwards, only evoked a harmonious coexistence, without any possible hierarchy, between the three Ps: People, Planet, Profit. The concept of 'Corporate Social Responsibility' (CSR), promoted as a core tenet of 'Sustainable Development', was then developed as an alternative to binding legislation, based entirely on voluntary commitments by companies.

It is on this basis that multinational corporations have heavily focussed on developing CSR communications around the social and environmental aspects of their products and their business model. Through corporate strategies that combine commercial communication and social discourse, brands protect their financial value from reputational risks. Advertising, sponsorship and political lobbying are key components in this strategy.

CSR discourse also has a more direct political dimension (so-called 'politicised CSR'). By highlighting the alleged 'benefits' provided by multinationals, it helps discourage intervention by public authorities and the implementation of legal mechanisms to prevent abuses, repair damages and, ultimately, to regulate their economic model.

The dissemination of these CSR discourses in the media (including advertising) or by other means, such as sponsorship, takes place without any effective monitoring by public authorities about their coherence and alignment with the company's actual practices. These practices of 'whitewashing' have become central to the fight against the impunity of multinational corporations.

### Corporate advertising for the financial value of the brand image

In 2011, the Swiss Federal Institute of Technology in Zurich demonstrated that roughly 15,000 very large companies controlled 95% of the revenue of the globalised economy.<sup>9</sup>

For this handful of international corporations, more than a third of their value is considered as 'goodwill', which mainly corresponds to the financial value of the brand image (calculated as the difference between the book value of the company's physical assets and the sale price of the company). In other words, for these economic giants, brand image and public trust is a highly strategic financial asset. It is capital that must be nurtured, but also protected.

Product advertising campaigns alone cannot achieve this objective. As a result, to protect their brand image from reputational risks - of social, environmental or political nature - large companies engage in so-called 'corporate' campaigns. These are not about selling products but are entirely dedicated to shaping the identity of the company itself. Corporate communication, which oversees all of the company's communication services, generally places 'corporate social responsibility' centre stage, by combining strategies of commercial communication with those of lobbying.

Nowadays, large companies rely on mass public communication strategies, including advertising, to promote and protect the brand, but also to capture the space for political debate.

<sup>&</sup>lt;sup>9</sup> S. BASTISTON, J. B. GLATTFELDER and S. VITALI, 2011, "The network of global corporate control," *PLoS ONE* 6(10): e25995.

<sup>&</sup>lt;sup>10</sup> Le nouvel Economiste, 2018. "Goodwill" now represents colossal sums in the balance sheet of companies, Lenouvel Economist.fr, article published on September 17, 2018. Available at: https://www.lenouveleconomiste.fr/les-debats-autour-du-goodwill-encomptabilite-sont-obscurs-mais-importants-64666/

### 2.2. Weaknesses of deceptive marketing practices in the face of 'whitewashing'

Everyone is now familiar with the notion of greenwashing, which has developed alongside increasing public concern over the climate and ecological crisis. However, the concept of 'whitewashing' is not limited to ecological issues. It occurs when the discourse presented by a company around a social commitment does not accurately reflect the reality to which it refers. This may involve public health issues, social practices such as respect for workers' rights or, more generally, the distribution of wealth.

The allegations made against brands do not only concern the products they market, but also the economic production circuit or the company as a whole in the case of corporate campaigns. The only legally binding tool available to combat these abuses remains that of 'misleading commercial practices'.

This notion goes far beyond that of misleading advertising from which it originates, as it comprises various communication and marketing tools beyond advertising alone. However, the traditional definition opted for by governments (via their competition authorities or their judicial systems), so far only covers the strictly economic and technical aspects of product promotion. As a result, when it comes to the 'whitewashing' of a specific product or company, the discursive and visual elements used in the advertising are being missed out by this narrow interpretation. And lastly, misleading commercial practices are still too rarely used by public authorities to take enforcement action against the 'whitewashing' of a product's public image and even less so when it is a question of a company's brand image.

Nevertheless, some precedent cases show that it is possible to change the regulation in place.

#### Convictions around the world for cases of 'whitewashing'

The first convictions for greenwashing of a product concerned the pesticide giant Monsanto in the 2000s, for promoting its weed killer 'RoundUp' as "biodegradable" in France and for advertising its genetically-modified soy as "beneficial for the environment" in Brazil.

In the following years, convictions for 'whitewashing' were handed down to L'Oréal in US and Sweden and then to Coca-Cola and L'Occitane en Provence in the US for public health reasons. In 2020, the Italian competition authority condemned the oil company ENI and prohibited the use of labels 'organic diesel' and 'renewable' for fuel composed of 15% palm oil-based diesel. This has broadened the scope from a narrow focus on product specifics to the entire chain of production



Image: Activists re-labelling bottles of Monsanto's Roundup weedkiller.

Credit: Global Justice Now

However, 'whitewashing' of a company's brand image through corporate communication is still difficult to condemn today using the concept of 'misleading commercial practices'. However, a court case againt Nike in 2002 paved the way for this, when the sports manufacturer was condemned in the US for having publicly denied accusations of child labour exploitation in China. Complaints are now pending again in France against Samsung and Auchan for the discrepancy between their communication on human rights and the actual practices of their suppliers. Another complaint was filed in 2020 at the OECD's national contact point against the oil giant BP for its advertising campaign evoking "cleaner natural gas".<sup>11</sup>

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<sup>&</sup>lt;sup>11</sup> Client Earth, 4 December 2019. Client Earth launches complaint against BP climate greenwashing adverts. Available at: ClientEarth launches complaint against BP's climate greenwashing adverts

# 3. The permanent expansion of advertising in our lived environments

The power and influence of advertising by multinationals results from its omnipresence: advertising is everywhere. Legally or clandestinely, advertisers are taking up increasing space in the public domain, as well as in private spheres, invading spaces that had remained relatively protected from commercial influence up until now. The effect is to normalise their presence and, above all, to stifle or distort alternative voices.

### 3.1: From advertising cities to the entry of brands into culture

#### **Advertising and public space**

In philosophy and political science, the notion of public space refers to places in which citizens can freely exchange on issues relating to the city, originally in a public square. In this context, historically, the act of 'publicity' referred to the fact of making information accessible to the public, outside the private sphere of the household and the institutional sphere. It differed from the idea of a promotional message disseminated by a company.

In common discourse today, the issue of ubiquitous advertising in public space refers more to the display of commercial messages visible from the street (or subway). Among the many societal spaces in which advertising appears, the imposition of billboards and now large digital screens has been particularly contested. Unlike TV, radio or print media, which we can choose not to buy or read, the street is inescapable. People from all social classes cross paths there.

It is also a space whose occupation—whether via corporate messages, street art, community posters or protest movements—has never ceased to play an eminently political role.

In all countries, to varying degrees, billboard advertising is taking up more and more space on our streets and in public transport. On the one hand, illegal billboards and illegal advertising are far from being systematically removed by planning authorities. On the other hand, advertisers are increasingly making agreements with private owners (from whom they rent their gardens or their walls) or with local authorities for the installation of 'street furniture' that provide advertising space. Increasingly, billboards are being transformed into digital screens to display advertising videos and grab our attention in ever more sophisticated ways.

These screens consume a lot of electricity and, in some countries, are even equipped with sensors that can analyse the moods and demographic profile of passers-by. In many countries, these screens have been proliferating for several years behind shop windows with little or no supervision by the public authorities.

As well as gigantic 'wrap around' adverts on tarpaulins covering building renovations, advertising is now also being installed on historical monuments. For instance, in 2017 ads were wrapped around the Bastille column in Paris, a symbol of the 1830 and 1848 revolutions.

The practice of place-naming and sponsorship takes the cultural anchoring of brands even further. Sport, and football in particular, is characterised by the renaming of national championships by major brands in most countries (see image below), not to mention stadiums that are also abandoning their historical names to the great displeasure of supporters' clubs. Beyond high-level sport, the phenomenon is also developing in the cultural sector including concert halls, art galleries and festivals.

#### Measuring the advertising onslaught

The measurement of advertising pressure on individuals—that is, the quantity of messages received on a daily basis—has given rise to numerous figures sometimes based on inconsistent methodologies and/or leading to fanciful interpretations. This is the case for the often-quoted figure of 362 advertising messages per day, which is based on a rigorous methodology, but only concerns a very small portion of the real advertising pressure. As for the more frequently quoted figure by the Yankelovich agency, estimated at 5,000 messages per day, we do not know the methodology used to reach this figure or its date of publication which, in any case, predates the Internet.

A solid and significant estimate is that given by the research institute PQ Media, which measures the cumulative duration of exposure to advertising in traditional and digital media and direct mail. It concluded that in 2017, the average US consumer was exposed to 110 minutes of advertising per day. These figures are consistent with those of neuro-marketer Arnaud Pêtre, who estimated in 2007—in the early days of the online advertising market—that the range of daily messages received was between 1,200 and 2,200. As for billboards, an experiment conducted by the British newspaper The Guardian indicated that a decade ago, a Londoner was exposed to more than 130 ads in 45 minutes of walking.

Like Arnaud Pêtre, if we were to include "sponsoring, product placement in films, signs and shop fronts, advertisements on drinks dispensers, displays and other points of sale in shops, clearly identifiable logos on clothing" in the analysis, it then amounts to an exposure of 15,000 'commercial stimuli' per day. In 2000, Kalle Lasn, the founder of the counterculture magazine Adbusters, was already using a figure of 16,000 messages per day.

#### The naming of football championship 12

For almost two decades, the English Premier League, the most highly rated football championship in the world, was inseparable from the famous British bank, known as the Barclays Premier League.



Image: Football Premier League. Credit Tak Lau,

The powerful German league recently incorporated the name of Europe's leading insurer (and 4<sup>th</sup> largest asset manager in the world) Allianz, known as the Allianz Frauen - Bundesliga, while the Spanish league was associated with the country's leading bank, Banco Santander, becoming La Liga Santander. In Italy, the country's second largest telephone operator, Telecom Italia Mobil (TIM), has renamed the championship Serie A TIM.

But the naming of national football championships does not stop at the most globally-recognised leagues. In France, it is the controversial giant UberEats. In Mexico it's the banking group BBVA. In Colombia, it's the beer brand Aguila (a subsidiary of the Heineken group) and in Australia, it is the shopping mall giant Westfield.

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<sup>&</sup>lt;sup>12</sup> Sporsora, 2019. [Lettre du naming] Le naming des compétitions de football. Available at: Sporsora - [LETTRE DU NAMING] Le naming des compétitions de football

### 3.2. From public space to public sector: advertising in schools and public media

In many countries, brands have begun advertising in schools and financing public media. The UN Human Rights Council report on advertising stated in 2014 that in many countries, "advertising in schools is still unregulated". 13

That same year, in her speech to the UN General Assembly, the Special Rapporteur on Cultural Rights deplored the "growing presence of advertising in schools [which is] well documented", while "schools constitute a distinct cultural space, deserving special protection from commercial influence". 14

Brands are also entering the public sector by funding public broadcasting media. In the majority of countries, public television and radio channels, which already benefit from taxpayers' financial support, rely on funding from companies whose commercials they broadcast. Therefore, like private sector channels, they cannot offer a guarantee of true independence from the industrial and financial world.

Like the famous British Broadcast Corporation (BBC), which claims to be "free of advertising and independent from the private sector" several major public media groups have chosen a model without advertising funding, while others drastically limit the weight of advertisers in the group's income portfolio and offer some of their influential channels or programs completely free of advertising.

Like France Télévisions and RTVE in Spain in 2009, or RTBF in Belgium from 2020, some media organisations are moving towards a reduction (or complete removal in the case of RTVE) of advertising in their most watched programs. But the question of transitioning from a hybrid model to one with little or no advertising can also be politically ambiguous. Without an alternative project aiming to at least maintain the level of financial resources, such a move generally leads to the weakening of the public media more than its independence, while strengthening private media competitors who gain new resources from the advertising market.

<sup>&</sup>lt;sup>13</sup> Human Right Council of the United Nations, special rapporteur Farida Shaheed, 2014. Report on the impact of advertising and marketing practices on the enjoyment of cultural rights, Paragraph 66. Available at: <u>A/69/286</u>

<sup>&</sup>lt;sup>14</sup> Faridaa Shaheed public statement: "Schools constitute a distinct cultural space, deserving special protection from commercial influence." She added, "I must confess I was astonished by the sheer number of examples brought to my attention and by the vast array of techniques advertisers use to enter schools: through school materials, including textbooks; through sponsored lessons or activities; through branded material disseminated on school premises, school buses and sports fields; school fund-raising strategies encouraging families to enter into commercial relations with companies that donate to schools; or through the recruitment of schoolchildren to serve as brand ambassadors.

<sup>&</sup>lt;sup>15</sup> BBC, 2021. Licence fee and funding. Available at: <u>Licence fee and funding - About the BBC</u>

This is why the lobbies of private channels generally support the reduction of advertising in the public media.

### The place of advertising in some of the world's major public service media

Of the 31 public service media networks considered in 25 countries in 2017 by the Public Media Alliance (MPA), 13 excluded advertising and sponsorship funding altogether, including the UK's BBC, the powerful German ARD and Japanese NHK, or the public media of all Scandinavian countries and the ABC and SBS channels in Australia.<sup>16</sup>

It is also worth noting that five public media networks in four countries—including Germany's ZDF and Portugal's RTP—receive less than 5% of their funding from advertising, to which Spain's major public media group, RTVE, should be added. The latter has refused all advertising since 2009, although some programs may be subject to corporate sponsorship.<sup>17</sup>

However, other important public service media networks rely significantly (around 20%) on advertising funding, such as the Italian RAI, CBC/radio Canada, France Télévisions in France or RTBF in Belgium (although the latter began this process in 2020 to significantly reduce this funding).<sup>18</sup>

Other models rely mainly on a combination of advertising and commercial funding, while public funding becomes a minor provider. In this case, one can question their very capacity to carry out a public service mission, especially when public funding becomes marginal (less than 20% in the case of SABC in South Africa) or non-existent as in the case of TVN in Chile.

<sup>&</sup>lt;sup>16</sup> The refusal of advertising does not prevent these media groups from implementing their own commercial activities in addition to their public service activities, in order to strengthen this economic model independent of the private sector, while limiting the weight of the contribution requested from the public. Logically, in financial terms, the weight of these commercial activities remains secondary, approaching one third of the financial model only in Taiwan, while it represents less than 10% in all Scandinavian public service media or in the Japanese NHK.

<sup>&</sup>lt;sup>17</sup> Libération, 13 February 2018. Est-il exact, comme l'affirme Nicolas de Tavernost, que les publicités ont été supprimées des chaines publiques britanniques et espagnoles ? Available at: <a href="https://www.liberation.fr/checknews/2018/02/13/est-il-exact-comme-l-affirme-nicolas-de-tavernost-que-les-publicites-ont-ete-supprimees-des-chaines-">https://www.liberation.fr/checknews/2018/02/13/est-il-exact-comme-l-affirme-nicolas-de-tavernost-que-les-publicites-ont-ete-supprimees-des-chaines-</a> 1653161/

<sup>&</sup>lt;sup>18</sup> Le soir. 30 June 2016. *RTBF: fin de la publicité sur la matinale de La Première.* Available at: <u>RTBF: fin de la publicité sur la matinale de La Première</u>

# 4. Funding from advertising is at the heart of the media and digital world

Through the purchase of ad space in media outlets, advertising also serves as a tool for advertisers to finance and influence public information. With the rapid development of the digital world, this advertising model has become central and is now driving global growth.

### 4.1. The influence of advertising funding on the media industry

Aside from countries in which the media as a whole is heavily controlled by the State - and where journalists' freedom of expression is generally limited - the central obstacle to media freedom is the concentration of media ownership in the hands of large industrial and financial groups. But this worrying fact should not obscure another contemporary challenge; corporate influence on the media through advertising funding, which raises important political, cultural and democratic issues. This is all the more true as traditional media, overtaken by the internet, is experiencing a deep economic crisis, with a reduction in available advertising revenue which, in turn, consolidates the influence of advertisers.

In 2014, the rapporteur of the United Nations Human Rights Council argued that the current situation of the media's increased reliance on advertising revenue together with the concentration of advertising groups has resulted in: "[a] few groups having enormous power in negotiating advertising spaces favouring media that best fit the interests of their client companies, meaning media that do not depict their clients negatively and proactively promote a suitable environment to increase the consumption of their products and/or services."

Academic research has demonstrated how, politically, this influence also translates into a watered-down editorial line, which reduces the risk of rejection by the largest segment of the readership, that of the 'average reader', located towards the centre of the political spectrum.<sup>19</sup>

<sup>&</sup>lt;sup>19</sup> See synthesis of research on the issue in *Big Corpo* report, Renaud FOSSARD, May 2020. p 74-75

Beyond these structural effects of funding from advertising, corporate influence is also exerted through censorship mechanisms, and especially self-censorship. Despite being taboo in the profession, retaliation measures in response to articles that are disagreeable to major advertisers are nevertheless commonplace. <sup>20</sup>

The influence of advertisers also relies on a greater complicity with the media they finance. For several years, there has been a growing rapprochement between journalists and advertisers and, in addition to the classic advertising content placed next to articles or between programs, there has been an increase in hybrid content resulting from collaboration between advertisers and editorial staff.<sup>21</sup>



The withdrawal of advertising revenues has long been recognised as a threat to the independent media. Photo credit: Markus Spiske

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<sup>&</sup>lt;sup>20</sup> These rare outbursts have led to a more permanent form of self-censorship on the part of editorial staff and journalists, to the point that Edwin Baker, a professor specialising in democratic issues in the media, declared as early as 1992 that "advertisers, not governments, are the primary cause of censorship of media content in the United States today." Edwin Baker, "Advertising and democratic press", Law Review, Vol. 140, n°6, june 1992, p.2200

<sup>&</sup>lt;sup>21</sup> "It is difficult to differentiate news from other online content, and advertising is increasingly integrated with editorial content. This reflects a trend in which marketers are gaining more and more power in their relationship with news media." UNESCO, 2020. Reporting Facts: Free from Fear or Favour, In-Focus edition of the World Trends in Freedom of Expression and Media Development. Paris.

#### Self-censorship and withdrawal of advertising funding

In the UK, the Daily Telegraph was deprived of advertising funding from HSBC banking group in 2012-13 following its investigation into one of its subsidiaries in Jersey. In February 2015, the newspaper saw its star columnist resign after loudly denouncing its under-reporting of the Swissleaks story to protect its advertising budgets. A few days later, the CEO of HSBC acknowledged the financial sanctioning of 'hostile articles'.<sup>22</sup>

Five years later, in January 2020, the influential British newspaper The Guardian announced it was dropping fossil fuel industry advertisements to increase its coverage of the climate crisis.<sup>23</sup> In France, over the past decade, the publication of investigations by leading daily newspapers, Le Monde and Libération, the business weekly La Tribune, and the public television channels France Télévisions and M6, have led to the withdrawal of advertising funding by the cosmetics group LVMH, the car manufacturer Volkswagen, the energy group EDF, and the fast food giants McDonalds and KFC.

<sup>&</sup>lt;sup>22</sup> A. DELCAMBRE, 2015. "HSBC plays the weapon of publicity in the face of 'hostile articles", *Le Monde*, February 23, 2015.

<sup>&</sup>lt;sup>23</sup> J.WATERSON, 2020. "Guardian to ban advertising from fossil fuel firms", *The Guardian*, January 29, 2020.

#### 4.2. Surveillance advertising and the attention economy

Online advertising is now the leading advertising sector in the world, ahead of television. Whether it is display or search, the real disruption in the online advertising market is the ability for advertisers to target messages individually and instantly. Online, advertisers can gain precise knowledge of the rate of return on their media buying, which allows them to refine their behavioural predictions.

On Web 2.0, internet users are active: they search, browse and interact. But online trackers and other data collection devices, such as the famous 'cookie', have made it possible to track the individual paths of internet users. This has led to the emergence of a market in which data brokers exchange and cross-reference this information in order to infer socio-demographic knowledge on individuals: their purchases, their health, their entertainment activities, their marital status, their sexual, political orientations and more. In 2017, online data company Oracle was able to provide more than 30,000 personal attributes of the two billion consumers it monitors.<sup>24</sup>

### The new forms of online advertising: display and search

The most traditional form of advertising on the internet remains display advertising (such as banners, pop-ups, videos) which are placed in spaces accompanying editorial content. However, following the rapid development of ad blockers, the market is now driven by the growth of 'native' advertising. Fully integrated into editorial content, the advertisers' message is neither recognized by ad blockers nor by readers.

A more singular form of advertising are 'sponsored links', a key function of online search engines where information is abundant. Making a company brand appear in the first search results has become a priority for advertisers who can bypass natural referencing by a system of purchasing keywords. In 2019, this 'search' market alone accounted for one fifth of all global advertising expenditure.

<sup>&</sup>lt;sup>24</sup> W. CHRISTL, 2017, Corporate Surveillance in Everyday Life, report commissioned by Cracked Labs.

With programmatic advertising, online advertising space is allocated through an automated bidding process between advertising agencies and advertisers. In the 100 milliseconds following the opening of a page by an Internet user, advertisers obtain all the relevant information about the individual and can target their advertising accordingly. This targeted advertising then becomes the driving force behind widespread online surveillance. The global market for big data and business analytics was approaching \$200 billion in 2019. With their advertising model, the digital giants (led by Google and Facebook) are driving the world's consumption growth. Together, they are organising the 'digitization of the world', the establishment of a continuous link between individuals and the connected world, in order to increase the opportunities for data collection and advertising.

These sophisticated attention-grabbing strategies have serious consequences for public health—including addiction to screens and to certain digital platforms in particular (social networks and video games).

In the age of mobile phones, people are connecting more often and for longer periods of time. The global average time spent in front of a screen connected to the Internet was 6 hours and 42 minutes per day in 2019.<sup>27</sup>

<sup>&</sup>lt;sup>25</sup> To evoke this process that transforms our present behaviours into monetized predictions of future behaviours, some, like the famous sociologist Shoshana Zuboff, speak of 'surveillance capitalism'.

<sup>&</sup>lt;sup>26</sup> International Data Corporation (IDC), 2019. "Forecasts Revenues for Big Data and Business Analytics Solutions Will Reach \$189.1 Billion This Year with Double-Digit Annual Growth Through 2022," article printed April 04, 2019. Link: <a href="https://www.idc.com/getdoc.isp?containerld=prUS44998419">https://www.idc.com/getdoc.isp?containerld=prUS44998419</a>

<sup>&</sup>lt;sup>27</sup> This global average obviously conceals major disparities between nations, with records of more than 8 hours in developing countries such as the Philippines (more than 10 hours), Brazil (9.5 hours) or Colombia and Thailand at more than 9 hours a day. Source: ScreenTime study. BusinessFibre.co.uk. May 15, 2019. Source: <a href="https://businessfibre.co.uk/screen-time/">https://businessfibre.co.uk/screen-time/</a>. But these figures also do not include the hours spent each day in front of the television, and the 6.5 hours of time connected to the internet in the United States in 2019 exceeded 10 hours with television, and reached 13.5 hours during the health crisis in 2020. EyesSafe Nielsen Estimates. Covid 19: screen time spikes to over 13 hours per day. March 28, 2020. Source: <a href="https://eyesafe.com/covid-19-screen-time-spike-to-over-13-hours-per-day/">https://eyesafe.com/covid-19-screen-time-spike-to-over-13-hours-per-day/</a>

### The effects of advertising on individuals: what does the science tell us?

"Advertising? It doesn't work on me!" No one likes to be compared to 'Pavlov's dog', which was conditioned to manipulate its behaviour. However, what the science tells us, particularly thanks to new brain imaging techniques, is very clear: advertising does work on our cognitive biases, affecting the 'reward circuit' of our brains. Moreover, repeated, but not consciously perceived, exposure to advertisements can influence a person's buying behaviour up to several months later.<sup>28</sup>

In 2014, a UN report on advertising warned that advertising is now able to play "on the link between emotional response and decision-making, [through techniques aimed at circumventing individual rational decision-making] which raise serious concerns."

Beyond the influence on the purchasing behaviours of consumers, cultural studies demonstrate the effects of advertising on both the values of citizens and the resulting attitudes and behaviours at play in society. By systematically stimulating so-called 'extrinsic' values, the fulfilment of which depends on external rewards, such as wealth or social status, they weaken so-called 'intrinsic' values that are appreciated for their own sake, such as personal development or a sense of inclusion. A stronger focus on 'extrinsic values' reinforces our sense of competitiveness and prestige through conformity, image, financial success, achievement and power and a lesser concern for the environment or human rights.<sup>30</sup>

A 2018 study of a million Europeans in 27 countries over 30 years showed a significant direct link between rising advertising spending and people's sense of dissatisfaction, unambiguously concluding that "high levels of advertising pressure can harm societal well-being." <sup>31</sup>

<sup>&</sup>lt;sup>28</sup> D. COURBET, 2018, "Les influences non conscientes de la publicité: preuves expérimentales", lecture given at the seminar "SPIM: De l'industrie publicitaire aux relations publiques, les outils d'influence des multinationales" on May 29 and 30, 2018 at the Institut des sciences de la communication in Paris. Video of the lecture available online at sp-im.org.

<sup>&</sup>lt;sup>29</sup> F. SHAHEED, 2014, Public Statement on the report *Commercial Advertising and Marketing Practices*, 69th UN General Assembly, October 28, 2014, para. 4 and report *Commercial Advertising and Marketing Practices at paragraph* 29.

<sup>&</sup>lt;sup>30</sup> Bec SANDERSON, "Cultural Values", lecture given at the seminar "SPIM: From the advertising industry to public relations, the tools of influence of multinationals," on May 29 and 30, 2018 at the Institut des sciences de la communication in Paris. Video of the lecture available online at sp-im.org.

<sup>&</sup>lt;sup>31</sup> C. MICHEL et al, 2019, Advertising as a Major Source of Human Dissatisfaction: Cross-National Evidence on One Million Europeans, Centre for Economic Policy Research, p.2 and p. 8



Image: ad tech companies are gathering millions of data points on children via cookie tracking

### The theory of 'captology': strategies behind the online advertising business model

The concept of 'captology' was formulated at Stanford University, in the heart of Silicon Valley, to describe the advanced methods adopted by digital companies to compete for people's attention. Whether we talk about attention design or persuasive design, we generally refer to the 'hooked model' proposed by the neuroscientist Nir Eyal. A trigger (e.g. a notification) stimulates the individual's random reward system and leads to a reaction (e.g. a 'like'), which in turn becomes the trigger for another individual.

This approach is the basis for many of the features found in the platforms that millions of people use every day, from 'Tinder matches' ' to 'Facebook notifications'. By getting people to log in more often and for longer periods of times, persuasive design allows for more advertising to be targeted, and more personal data to be collected and sold to advertisers.

#### 5. Recommendations

Over time, advertising has spread throughout society, without the necessary rules to regulate it. Therefore, it has become imperative to reaffirm which spaces, media and products must be protected from advertising activities in order to respect individual freedoms and preserve the public interest.

### 5.1: Redefining what counts as acceptable advertising activities

#### Protecting our public spaces, safeguarding our public sector

'Freedom of reception' is the corollary of 'freedom of expression'. Following this principle grants the right to receive or not to receive messages in society, particularly in public spaces or those open to the public.

For public space advertising, this means:

- Prohibiting, or at least severely restricting intrusive, aggressive and/or
  polluting advertising by targeting their infrastructure such as backlit
  billboards, digital screens in public spaces, advertising on heritage and
  historical and cultural monuments (e.g giant tarpaulins or place naming).
- Putting an end to the omnipresence of advertising infrastructure by making public spaces advertising-free, and limiting the maximum size and density of advertising media per inhabitant for areas where commercial communication is tolerated.

To guarantee the neutrality of the public sector with regard to commercial messages means:

- Reaffirming children's schools (both primary and secondary) as a space free from private companies and their advertising, and carefully monitoring the university sector's links with private companies to avoid any influence on their teaching.
- Strengthening public service media that wish to decrease their reliance on advertising revenues by supporting other funding models.

### Prohibiting the advertising of products harmful to the climate and public health

SUVs, plastic water bottles, products high in fat, salt and sugar (HFSS): the mass consumption of certain goods and services can cause significant pollution and create public health problems.

The sale of some of the most harmful products should not be entirely prohibited in cases in which they initially meet a need or desire that, when practised on a small scale, does not have a significantly negative impact (SUVs for off-road driving, fast food on occasion). On the other hand, just as we did with tobacco products, the promotion of these products through advertising for the purpose of encouraging large-scale behavioural changes in the population must be prohibited.

Decades after the world's first bans on tobacco and alcohol advertising in whole or in part for public health reasons, advertising bans on other harmful products are being implemented. In 2019, Singapore established a general ban on advertising for excessively sweet drinks. In 2021, France and the city of Amsterdam embarked on the path to prohibit advertising for the most polluting products such as fossil fuels, with the Dutch capital being the most ambitious and extending the ban to airlines and airports, and all other fossil-based products.<sup>32</sup>

Today, these policies must be implemented at a systemic, international level with real ambition. The ban on advertising by fossil fuel companies or for all products powered by fossil fuels and/or that emits high levels of greenhouse gases as well as for products that are high in fat, salt and sugar (HFSS), and which have a negative impact on public health.

<sup>&</sup>lt;sup>32</sup> The municipality of Amsterdam opted for a voluntary arrangement with advertising companies such as JCDecaux who later refused to implement the ban on adverts for high carbon products. Other advertising companies on the city's metro system chose partial implementation only, for example by continuing to run airline adverts but removing the ticket prices only.

The debate must also be opened up to include other products from specific sectors, with particularly large advertising expenditures, whose mass consumption is harmful, such as:

- the fast food industry, serving meals in disposable packaging and producing massive amounts of waste whilst causing health problems
- **fast fashion,** with its model of rapid product renewal that is responsible for large amounts of carbon emissions, unsustainable water consumption and unacceptable working conditions;
- disposable plastic water bottles, a major source of waste and particularly redundant in countries where access to safe drinking water is guaranteed;
- smartphones, particularly prone to marketing obsolescence, and whose social and environmental impacts throughout the product life cycle are significant.



Image: Aggressive advertising of large cars mean that 40% of new vehicle sales in the UK in 2019 were Sports Utility Vehicles (SUVs)

### 5.2. Regulating corporate communications in the public interest

Public authorities have every right, in the general interest, to organise the regulation of advertising content, and more generally, of all companies' communication media. But at present, the legal tool at their disposal is only mobilised to fight against advertising that portrays products in a misleading manner<sup>33</sup>, and this is almost exclusively from an economic point of view.

### From the legitimacy to the necessity of public regulation on advertising content

A key defence from advertising representatives is to place the protection of commercial activity under the fundamental right to freedom of expression.<sup>34</sup> Doing so enables them to denounce any intrusion by governments into the regulation of advertising activities in general, and to defend their inadequate systems of self-regulation. As a result, in all countries, the content of advertising messages is 'regulated' by structures bringing together advertisers, agencies and advertising sales houses, and according to rules inspired by the International Chamber of Commerce (ICC) code.

The result is systematically the same: these self-regulatory bodies create the illusion of regulation, while preserving the widespread dissemination of discourses promoting wasteful practices and laundering the reputations of harmful companies.

Consequently, public authorities are legitimately able to intervene through public policies to regulate the content of advertisements, as confirmed by case law from both the Supreme Court in the United States and the European Court of Human Rights.<sup>35</sup>

<sup>&</sup>lt;sup>33</sup> In addition to citieria against misleading ads, the UK's Advertising Standards Authority also has a provision that adverts can be banned if deemed 'harmful' <a href="https://www.asa.org.uk/type/non-broadcast/code-section/04.html">https://www.asa.org.uk/type/non-broadcast/code-section/04.html</a>

<sup>&</sup>lt;sup>34</sup> Unlike other types of speech (e.g. artistic freedom, political speech) who are effectively guaranteed legal protection under the right to freedom of expression, commercial communication is only partially covered by this principle

<sup>&</sup>lt;sup>35</sup> In October 2014, the Special Rapporteur of the UN Human Rights Council stated before the General Assembly that "commercial advertising remains mostly self-regulated. This situation is unsatisfactory, and I call on States to adopt legislation on commercial communication and marketing".

#### For an independent regulatory authority and clear rules

Public authorities must intervene by setting up independent regulatory bodies for advertising — separate from the industry and the government in power — to regulate advertising and communication content.

These independent authorities must be empowered both to develop a body of rules, based on broad guidelines determined by the legislator, and to ensure their implementation. The effectiveness of regulation by these independent bodies assumes that it is empowered to carry out prior monitoring of communication campaigns, and crucially, that it has the power to enforce meaningful sanctions.

At least three main types of rules will have to be put in place by law and developed by the independent content regulation authority. Firstly, to put consumer information back at the heart of advertising, these rules will have to specify the information that advertisements will be obliged to include about the products they promote.

These should include information about the price of the product, its energy and environmental footprint (colour codes have already been trialled in some countries), its social and human rights impact, nutritional value and reparability.

Secondly, these rules should follow the ethical codes of the International Chamber of Commerce to regulate advertising and marketing discourses by specifically tackling marketing obsolescence, over-consumption and misleading environmental claims.

Finally, in order to seriously counter the excesses of Corporate Social Responsibility, these new rules will also have to reinforce the legal tools available for combating deception and corporate 'whitewashing', either by integrating this communication within the scope the scope of misleading commercial practices or by setting up a new legal tool to allow a government's body (its competition authority or ministry of the environment) and the independent advertising regulator to sanction corporate image 'whitewashing'.

#### 5.3. Economic measures to regulate advertising

In order to reduce the overall pressures of commercial communication and the resulting over-consumption, it is imperative to tackle the advertising market as a whole, on an economic level. Effective structural reforms can be implemented via accounting and taxation.

### Accounting for corporate communications investments in order to tax brands effectively

Corporate communication campaigns, including advertising, are a long-term investment in the financial value of a brand. Product advertising, on the other hand, directly serves sales objectives and is effectively a 'cost' (in accounting terms) for the financial year.

However, under the current accounting rules, all expenses for the purchase of advertising space are accounted for as product advertising in annual accounts, thus reducing collectible tax receipts for governments. As a result, corporate advertising campaigns allow companies to increase the financial value of their brand image in the long term, while at the same time reducing their taxable income for the year.

This is an inconsistency in terms of accounting logic and contributes to an unfair reduction of the advertiser's tax obligations. This distinction between advertising serving corporate or sales strategies (over at least five years) should be reflected in the company's accounts by differentiated regimes (investment versus expenses).

The product or corporate dimension of an advertising campaign is explicitly identified internally within the company. This distinction can therefore be reflected in the accounts by differentiated regimes, depending on whether advertising expenditure serves corporate or sales strategies, with the former mainly being accounted for as investments (over at least five years), and the latter mainly accounted for annually as expenses. A model under discussion in the United States considers an even more pragmatic option, that 50% of all advertising expenditure should go to investments while the other part would remain allocated to expenses.<sup>36</sup>

<sup>&</sup>lt;sup>36</sup> Congressional Budget Office, December 2018, Options for reducing the deficit: 2019-2028, p.273

#### Spending limits to fight advertising overkill?

What can market competition do against L'Oréal who spent 29% of its sales on commercial communication in 2015 (€7.4 billion) compared to less than 3% on Research & Development (R&D)?³¹ In an situation of oligopoly in which a few companies dominate the market, not only can the dominant brands use advertising as a barrier to entry for competition (due to the level of expenditure required to 'exist' on the market), the advertising bidding logic that is established between them leads consumers to buy products at a higher price than if price competition were effective.

In these situations, which amount to passive or tacit collusion, national (and European) competition authorities should intervene by imposing spending caps or punitive taxes that can be imposed individually or collectively on the companies concerned.

### What tax policy options exist for the commercial communications market?

It is not uncommon for taxes to be levied on certain advertising activities (specific media types, advertising agencies or economic sectors) but these usually occur on a piecemeal basis without any overall tax vision. In any case, when such taxes exist, they correspond today to an average levy on this market that is very low, around 2.5% in France for example.

The need for a general tax on advertising activities was evoked very early on in the industry's history, including by mainstream (neoclassical) economic thinkers. The calls formed part of the denunciation of an advertising 'arms race' between competitors, leading to 'economic mess' to the detriment of companies as well as consumers, who end up footing the bill.

Given advertising's active proven role in driving mass over-consumption, fiscal intervention by the public authorities is necessary and desirable for ecological reasons; with the aim of directly reducing the harms caused by advertising except for some product categories where advertising should rather be prohibited altogether - such as high-carbon goods and services.

 $<sup>^{37}</sup>$  F. MEUNIER, 2016, "L'Oréal et la concurrence par la publicité", *Telos*, May 17, 2016

In this context, an ambitious tax policy should first of all broaden the overall tax base, by integrating the amounts spent on promotional marketing alongside strictly advertising expenditure.

It then makes it possible to consider introducing tax rates approaching 10% in the countries where commercial pressure is strongest.<sup>38</sup> Given that global commercial communication is a multi-billion dollar business, an average tax rate of 8% would already bring around €100 billion dollars to government budgets.

To encourage high levels of tax receipts to be maintained, the proceeds of taxes should be directed towards mechanisms that are relatively independent of political changeovers and that are, from the outset, integrated in a vision where advertising contributes to society, such as via the financing of public health and environmental protection agencies, communication budgets for non-profit organisations and support for media independence from advertisers. In doing so, such a tax policy would make it possible to create a situation whereby the increase in commercial communication expenses of large companies directly benefit other types of actors to disseminate their alternative discourses.

<sup>&</sup>lt;sup>38</sup> Or at least in the most sensitive economic sectors such as the agri-food or textile sectors. This being said, strong fiscal policies in specific economic sectors should in no case replace policies banning advertising for sectors or products that are the most harmful to the environment or public health. Moreover, small actors involved in economic sectors that should play a key role in the ecological and social transition (organic and fair trade products, repair and reuse, soft mobility, etc.), as well as associations defending causes, could be exempted from such taxes in their communication to the public.

#### Advertising tax proposals to fund media independence

Initiated with the first mass media (printed press, then radio and television), advertising has historically been a source of media funding. A tax policy aimed at limiting the harms of advertising should seek to reduce the media's reliance on this source of funding altogether.

This approach was developed as early as 1961 by Nicholas Kaldor, before being translated into public policy in 1971 in Sweden and then in France in 1982.<sup>39</sup> It was expanded upon at the theoretical level in 1994 by the American specialist in democratic issues of the media economy, Edwin Baker, with the proposal of "Tax Advertising - Subsidize Readers".

In the digital age, proposals for a tax on advertising to finance the independence of public service media are multiplying, each with its own specificities: that of Mcchesney and Nichols in 2010, of the Peace Institute in 2016, of the NGO FreePress in 2019, or that of Christian Fuchs in 2018, specifically dedicated to the taxation of online advertising.

<sup>&</sup>lt;sup>39</sup> In Sweden, the tax approach focused on the press sector (and the tax was for a time extended to all print advertising). It was evaluated in 2009 as having "both covered the costs of the subsidy system and generated a surplus for the state" GUSTAFSSON, ÖRNEBRING and LEVY (2009), p. 8 (see BigCorpo). In France, it concerned the radio sector, where the tax on commercial advertising exclusively financed advertising-free community radio stations.

## 6. Resistance: from advocacy to culture jamming

'Culture jamming' is the practice of appropriating and subverting dominant culture. By using its visual look and linguistic habits, culture jammers try to blend in with the commonplace aesthetics of media platforms and corporations. They do so, however, with an eye on reversing its messaging: an official-looking website by oil giant BP turns out to be a manifesto for keeping oil in the ground; what appears to be a copy of the New York Times is an elaborate prank celebrating anti-war sentiment; what at first sight appears to be a billboard advert for fashion retailer H&M is in fact a political poster against child labour in the garment industries.

Subvertisers, from the portmanteau for 'subverting advertising', are those culture jammers whose favourite targets are outdoor advertising spaces. Employing the tools of the trade (bus shelter keys, high-visibility jackets, '6-sheet' or '48-sheet' size posters), they impersonate advertising workers and install their own bus stop, billboard and tube posters. Their aim: to speak back to the advertising our streets are saturated with.

In doing this, they continue an extensive history that runs all the way back to the very origins of outdoor advertising. In the first centuries BC, inscriptions promoting gladiatorial battles on the houses of the wealthiest in Pompeii commonly encountered passers-by who would inscribe their own humorous or insulting responses.

More recently, with the democratisation of printing, graffiti and paint technologies from the 1960s onwards, subvertising became a prominent practice employed by protesters and culture jamming collectives. In the spirit of *détournement*, as conceived by the radical political group The Situationist International (whose name The Subvertisers International borrow), groups like the Billboard Liberation Front in San Francisco and BUGA UP in Sydney were some of the first collectives coming together to build a visual response to the heavy-weight advertising of alcohol and cigarette companies.



Image: a spoof HSBC bank poster is placed in a London bus stop, 2021

Writing their own manuals and appearing in local media channels, these collectives helped spark, with the help of the Canadian anti-consumerism magazine Adbusters, the expansion and diversification of subvertising practices across cities around the globe. Today, in most parts of the world you'll find a network of subversive consumers, ready to strike when outdoor advertisers – as they so often do – present us with damaging, sometimes downright untrue, illustrations of what our world should look like.

But why choose subvertising over other activist methods? To subvertisers, the answer is simple. With the help of a small budget and only a few tools, their messages are able to appear not only to the eyes of passers-by who may otherwise never encounter their ideas in our filter-bubble world, but also, more strikingly, may end up going viral across offline and online media channels.

As the subvertising collectives Brandalism and Special Patrol Group have shown throughout the last years, even after so many decades of subvertising, journalists remain all too excited about a few illicit posters appearing in the ad spaces belonging to dominant commercial interests.

## 7. Member groups of the Subvertisers' International

Adfree Cities (United Kingdom): www.adfreecities.org.uk

Berlin Werbefrei (Berlin, Germany): www.berlin-werbefrei.de

Brandalism (United Kingdom/Global) www.randalism.ch

Collectif de Libération de l'Invasion Publicitaire (Lausanne,

Switzerland): www.linktr.ee/clip lausanne

Collectif Robert Johnson (Paris, France): www.anti-pub.tk

Consume Hasta Morir (Madrid, Spain): www.consumehastamorir.org

Democratic Media Please (Melbourne, Australia):

www.democraticmediaplease.net

Hamburg Werbefrei (Hamburg, Germany): www.hamburg-werbefrei.de

Les déboulonneurs (Paris, France): www.deboulonneurs.org

Liège Sans Pub (Liège, Belgique): www.liegesanspub.be

Proyecto Squatters (Argentina): <a href="https://www.linktr.ee/SquattersDifusion">www.linktr.ee/SquattersDifusion</a>

Public Ad Campaign (New York, USA): <a href="https://www.publicadcampaign.com">www.publicadcampaign.com</a>

Résistance à l'Agression Publicitaire (France): www.antipub.org

Special Patrol Group (London, United Kingdom)

Vermibus (Berlin-Germany, International): <a href="https://www.vermibus.com">www.vermibus.com</a> with

NoAdDays: www.t.me/Noadday

#### Partners in this report:

Communication and Democracy (France) and New Weather Institute (United Kingdom) worked together with Subvertisers International to produce this report.

www.communication-democratie.org www.newweather.org

